

Remarks

Claims 1, 8-13, 15, 16, and 19-57 are pending in the subject application. Applicants acknowledge that claims 1, 16, 19, 30-35, and 40-57 have been withdrawn from further consideration as being drawn to a non-elected invention. By this Amendment, Applicants have canceled claims 15, 31, 36, 40, and 49, amended claims 1, 8, 16, 19, and 20, and added new claims 58-77. Support for the amendments and new claims can be found throughout the subject specification. Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 1, 8-13, 16, 19-30, 32-25, 37-39, 41-48, and 50-77 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

As an initial matter, Applicants gratefully acknowledge the Examiner's indication that claim 15 is objected to but would be allowable if rewritten into independent form to include the limitations of any base and intervening claims.

Claims 20-29 are rejected under 35 USC §112, second paragraph, as indefinite. The Examiner asserts that the term "an effective amount" of a double-stranded oligonucleotide in claim 20 renders the claim indefinite. The Examiner also asserts that the term "pharmaceutically effective carrier" renders claim 20 indefinite. Applicants have amended claim 20 to delete reference to the term "an effective amount." Applicants have also amended claim 20 to recite a "pharmaceutically acceptable carrier, diluent, or adjuvant." Support for the amendment can be found, for example, at page 10, lines 6-7, of the subject specification. Applicants respectfully assert that the term does not render the claims indefinite. Accordingly, reconsideration and withdrawal of the rejection under 35 USC §112, second paragraph, is respectfully requested.

Claims 8-13 and 37-39 are rejected under 35 USC §102(b) as anticipated by either of *Pearse et al.* (1993) or *Wegenka et al.* (1993). In addition, claims 20 and 22-29 are rejected under 35 USC §102(b) as anticipated by or, in the alternative, under 35 USC §103(a) as obvious over either of *Pearse et al.* (1993) and *Wegenka et al.* (1993) taken separately. The Examiner indicates that the *Pearse et al.* and *Wegenka et al.* (1993) references disclose a composition containing double-stranded oligonucleotides that comprise the consensus nucleotide sequence recited in the claims. Applicants respectfully traverse these grounds of rejection.

Applicants respectfully assert that neither of the cited references teach or suggest Applicants' claimed invention. The cited references do not teach or suggest anything regarding use of the oligonucleotides disclosed therein in methods to inhibit transcription factor activity or to inhibit tumor cell proliferation. However, by this Amendment, Applicants have amended independent composition claims 8 and 20 to recite the sequence of the oligonucleotide (SEQ ID NO: 1) of claim 15 indicated as allowable by the Examiner. These amendments have been made solely to expedite prosecution of the subject application. Applicants have also amended independent method claims 1, 16, and 19 to recite that the oligonucleotide used in the claimed methods has the sequence of SEQ ID NO: 1. Applicants respectfully request rejoinder (under MPEP §821.04) of claims 1, 16, 19, 30-35, and 40-77 in the subject application upon an indication of allowance of the composition claims in the subject application. In view of the amendments to recite that the oligonucleotide comprises SEQ ID NO: 1 in all the pending claims, Applicants respectfully assert that the rejections over the cited references are moot. Accordingly, reconsideration and withdrawal of the rejections under 35 USC §§102 and 103 is respectfully requested.

It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position.

In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



Doran R. Pace
Patent Attorney
Registration No. 38,261
Phone No.: 352-375-8100
Fax No.: 352-372-5800
Address: P.O. Box 142950
Gainesville, FL 32614-2950

DRP/sl